

FORTY-SEVENTH DAY
(Continued)

(Tuesday, April 26, 1949)

After Recess

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Lane submitted the following reports:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 445, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 419, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 209, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 741, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 664, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 511, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 221, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 753, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 851, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 852, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 853, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 450, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

- Sir: We, your Committee on Civil Jurisprudence, to whom was referred
- S. B. No. 375, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. C. R. No. 40, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred Senate Bill 435, have had the same under consideration, and we are instructed to report it back to the Senate, with the recommendation that it do pass and be mimeographed.

KELLY of Tarrant, Chairman.

Senator Bullock submitted to following reports:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 465, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 654, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the bill in its original form do not pass but that the Committee Substitute do pass in lieu thereof and be printed.

BULLOCK, Chairman.

C. S. H. B. No. 654 was read first time.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to

whom was referred H. B. No. 817, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass but that Committee Substitute do pass in lieu thereof and be mimeographed.

KELLEY of Hidalgo, Chairman.

C. S. H. B. No. 817 was read first time.

Senator Weinert submitted the following report:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred Senate Bill Number 301, have had same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

WEINERT, Chairman.

Senator Corbin submitted the following reports:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom House Bill No. 676 was referred, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

CORBIN, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 462, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

CORBIN, Chairman.

Senator Taylor submitted the following report:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B.

No. 264 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be not printed.

TAYLOR, Chairman.

Senator Proffer submitted the following reports:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 348, have had same under consideration and beg to report it favorably back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 230, have had same under consideration and beg to report it favorably back to the Senate with the recommendation that it do pass.

PROFFER, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 789, have had same under consideration and beg to report it favorably back to the Senate with the recommendation that it do pass.

PROFFER, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 643, have had same under consideration and beg to report it favorably back to the Senate with the recommendation that it do pass.

PROFFER, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House

Bill No. 619, have had same under consideration and beg to report it favorably back to the Senate with the recommendation that it do pass.

PROFFER, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 571, have had same under consideration and beg to report it favorably back to the Senate with the recommendation that it do pass.

PROFFER, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 546, have had same under consideration and beg to report it favorably back to the Senate with the recommendation that it do pass.

PROFFER, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 545, have had same under consideration and beg to report it favorably back to the Senate with the recommendation that it do pass.

PROFFER, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education to whom was referred House Bill No. 435, have had same under consideration and beg to report it favorably back to the Senate with the recommendation that it do pass.

PROFFER, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 574, have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senate Bill 449 on Second Reading

Senator McDonald moved to suspend the regular order of business to take up S. B. No. 449 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—4

Aikin	Strauss
Lock	Weinert

Absent

Colson	Morris
Hardeman	Taylor

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 449, A bill to be entitled "An Act creating the 115th Judicial District of Texas to be composed of Upshur and Wood Counties; amending Section 7 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, as amended, so as to detach Wood and Upshur Counties from the 7th Judicial District of Texas and to provide hereafter that said District shall be composed of Smith County; providing for the time and terms of holding the 7th and 115th District Courts; providing for the holding of as many sessions in any term as deemed expedient; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 449 on Third Reading

Senator McDonald moved that the constitutional rule requiring bills to

be read on three several days be suspended and that S. B. No. 449 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—5

Aikin	Strauss
Hardeman	Weinert
Lock	

Absent

Colson	Taylor
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Bell	Lane
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Cousins	Moore
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Nays—6

Aikin	Morris
Hardeman	Strauss
Lock	Weinert

Absent

Ashley	Corbin
Colson	Taylor

House Concurrent Resolution 76

The President then laid before the Senate for consideration at this time:

H. C. R. No. 76, Memorializing Congress as to legislation relating to farm to market roads.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted.

**House Bill Nos. 545 and 546
Ordered Not Printed**

On motion of Senator Bracewell, it was ordered that H. B. Nos. 545 and 546 be not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 162, A bill to be entitled "An Act to promote the orderly development, conservation and use of the underground waters of this State; declaring the public policy of this State with respect thereto; providing that it shall be the duty of the State Board of Water Engineers to designate groundwater basins and subdivisions thereof, and to alter the boundaries thereof; etc.; and declaring an emergency."

H. B. No. 268, A bill to be entitled "An Act to donate and grant State ad valorem general fund taxes to Henderson County for a period of two years to repair bridges and roads, and declaring an emergency."

H. B. No. 146, A bill to be entitled "An Act providing for and requiring big game hunting license for hunting deer or turkey, prescribing its form, fixing fee, providing for issuance of duplicate license and penalty for false swearing in connection therewith; making certain requirements as to attachment and use of deer tags; providing for method of collecting, recording, reporting and remitting fees derived therefrom and disposition of fees and fines from infractions of this Act; making exemptions; fixing penalty for violation of this Act; and declaring an emergency."

(With engrossed rider)

The House refused to concur in Senate amendments to House Bill No. 120 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House: Luedemann, Fly, Johnson, Lewis, Storey.

H. B. No. 99, A bill to be entitled "An Act providing that any person of legal age may insure his own life in a life insurance company and designate any beneficiary or beneficiaries of his choice and may change beneficiaries in existing policies in like manner, and providing that such named beneficiaries shall have an insurable interest in the life of such insured; providing that employers shall have an insurable interest in the life of their employees, that employees shall have an insurable interest in the life of their employers, and that stockholders of a corporation shall have an insurable interest in the lives of other stockholders of the corporation; providing that such persons and legal entities shall have the right with the written consent of the insured to purchase life insurance on such other persons and to designate the beneficiary or beneficiaries thereof; providing that the provisions of this Act are cumulative of existing law and repealing all laws in conflict; providing for the partial invalidity hereof; and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act making it unlawful to drive or operate any motor or other vehicle upon any beach in the State at a rate of speed in excess of twenty-five (25) miles per hour during the daytime and in excess of twenty (20) miles per hour during the nighttime, or at any time while the operator of such vehicle is intoxicated; providing for arrest without warrant for such violations; defining beach and providing the penalty; and declaring an emergency."

H. B. No. 357, A bill to be entitled "An Act providing for a secret ballot in all elections in Texas; amending Art. 2980, Title 50, Ch. 6, of R. C. S. of Texas, 1925, as amended, providing for the form of ballot; amending Art. 3008, Title 50, Ch. 8, of R. C. S. of Texas, 1925, providing for the delivery of ballots; amending Art. 3012, Title 50, Ch. 8, of R. C. S. of Texas, 1925,

providing for the depositing of ballots; amending Art. 3109, Title 50, Ch. 13, of R. C. S. of Texas, 1925, providing for balloting for primaries; amending Art. 3122, Title 50, Ch. 13, of R. C. S. of Texas, 1925, providing for precaution against fraud; providing that the provisions of this Act shall also be applicable to absentee voting; excepting the provisions of this Act from elections in which voting machines are used; providing for a savings clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

H. B. No. 837, A bill to be entitled "An Act to regulate and provide safeguards in the employment and admission of persons in state supported universities and colleges; to provide for an oath; to provide for the expulsion or dismissal of certain students and employees under certain conditions; providing for appeal; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Joint Resolution 3 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. J. R. No. 3 on its passage to engrossment, with an amendment by Senator Bell pending.

Question—Shall the amendment be adopted?

Pending consideration of S. J. R. No. 3 and the amendment thereto by Senator Bell, Senator Carney moved that H. B. No. 159 be withdrawn from the Committee on State Affairs and re-referred to the Committee on Oil, Gas, and Conservation.

Senator Lane raised a point of order against consideration of the motion at this time, on the ground that there is now pending before and being considered by the Senate another question, which must be disposed of before any other matter can be taken up.

The President sustained the point of order.

Senator Ashley offered the following amendment to the amendment:

Amend the amendment to S. J. R. No. 3, Section I, by adding at the end

of paragraph 4 the following language:

"Provided that no agreement, contract or commitment shall ever be made which, under any contingency, could or would result in the government of the United States or any of its agencies or bureaus claiming the right or privilege of controlling or managing the properties or facilities of any Texas river or its tributaries."

The amendment to the amendment was adopted.

Senator Bracewell offered the following amendment to the amendment:

Amend the amendment to S. J. R. No. 3 by striking out the words and figures "three percent (3%) per annum" wherever the same appear in the resolution and substituting the words and figures "two and one half percent (2½%) per annum."

Senator Bell moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—14

Ashley	Martin
Bell	Moffett
Bullock	Moore
Colson	Phillips
Corbin	Proffer
Hazlewood	Strauss
Hudson	Vick

Nays—13

Aikin	Lock
Bracewell	McDonald
Carney	Shofner
Hardeman	Taylor
Jones	Tynan
Kelly of Tarrant	Weinert
Lane	

Absent

Cousins	Kelley of Hidalgo
Harris	Morris

Senator Bullock offered the following amendment to the resolution:

Amend substitute for S. J. R. No. 3 by striking out the words and figure "first Thursday in November, 1949" and inserting in lieu thereof the following: "the first Tuesday after the first Monday in November, 1950."

The amendment was adopted.

The amendment as amended was adopted by the following vote:

Yeas—18

Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Hazlewood	Proffer
Hudson	Strauss
Kelley of Hidalgo	Vick

Nays—11

Aikin	Lock
Carney	Shofner
Hardeman	Taylor
Jones	Tynan
Kelly of Tarrant	Weinert
Lane	

Absent

Cousins	Harris
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S. J. R. No. 3 was passed to engrossment by the following vote:

Yeas—19

Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Hazlewood	Proffer
Hudson	Strauss
Jones	Vick
Kelley of Hidalgo	

Nays—10

Aikin	Lock
Carney	Shofner
Hardeman	Taylor
Kelly of Tarrant	Tynan
Lane	Weinert

Absent

Cousins	Harris
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Motion to Re-refer H. B. No. 159

Senator Carney moved that H. B. No. 159 be withdrawn from the Committee on State Affairs and re-referred to the Committee on Oil, Gas and Conservation.

Senator Lane raised a point of order against consideration of the motion at this time and/or the taking up or considering such motion, and called for the regular order of business, the next bill set for a special order.

The President overruled the point of order, holding that all references of bills by the Chair are subject to correction or change by the Senate at any time there is not a question already pending and under consideration by the Senate.

Question recurring on motion to re-refer the bill, it was lost by the following vote:

Yeas—14

Ashley	Jones
Bracewell	Kelley of Hidalgo
Bullock	Lock
Carney	Moffett
Colson	Phillips
Cousins	Strauss
Hudson	Weinert

Nays—16

Aikin	McDonald
Bell	Moore
Corbin	Morris
Hardeman	Proffer
Hazlewood	Shofner
Kelly of Tarrant	Taylor
Lane	Tynan
Martin	Vick

Absent

Harris

Conference Committee on H. B. 120

Senator Bell called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 120.

Senator Bell moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Bell, Moore, Strauss, Corbin and Ashley.

Message from the Governor

The following message, received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 26, 1949.

To the Senate of the Fifty-first Legislature:

I ask the advice, consent and con-

firmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Galveston Bar and the Houston Ship Channel for two year terms:

To expire March 4, 1951, D. O. Duncan of Harris County;

To expire March 10, 1951, H. C. Cage of Harris County;

To be Branch Pilots for the Galveston Bar and the Houston Ship Channel for two year terms:

Roy C. Blodgett of Harris County, term to expire March 4, 1951;

Henry Corry of Harris County, term to expire March 4, 1951;

W. E. Dunlap of Harris County, term to expire March 4, 1951.

Respectfully submitted,

BEAUFORD H. JESTER,
Governor of Texas.

**House Bills and Resolution
on First Reading**

The following bills and resolution, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 146, to Committee on Game and Fish.

H. B. No. 837, to Committee on State Affairs.

H. B. No. 357, to Committee on State Affairs.

H. B. No. 212, to Committee on Criminal Jurisprudence.

H. B. No. 268, to Committee on Finance.

H. B. No. 99, to Committee on Civil Jurisprudence.

H. B. No. 162, to Committee on Water Rights, Irrigation and Drainage.

H. C. R. No. 66, to Committee on Civil Jurisprudence.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Senator Tynan submitted the following report:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 212, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

TYNAN, Chairman.

Senate Bill 387 on Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 387, A bill to be entitled "An Act to create the State Budget Board; prescribing its powers, duties, and functions; making an appropriation; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Recess

On motion of Senator Hudson the Senate at 12:10 o'clock p.m. took recess to 2:30 o'clock p. m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

Bill Ordered Not Printed

On motion of Senator Hudson, it was ordered that H. B. No. 264 be not printed.

Senate Bill 387 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 387 on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

S. B. No. 387 was passed to engrossment.

Senate Bill No. 387 on Third Reading

Senator Hardeman moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 387 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Martin
Carney	McDonald
Corbin	Moffett
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Vick

Absent

Colson	Tynan
Moore	Weinert
Morris	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 316 on Second Reading

The President laid before the Senate as a special order for this hour on its second reading and passage to engrossment:

S. B. No. 316, A bill to be entitled "An Act creating the Texas Legislative Council; providing for the appointment of its members and for the filling of vacancies in its membership; prescribing its powers and duties; authorizing Members of the Legislature to attend meetings and to present their views; empowering the Council to summon witnesses; directing other State agencies to render advice and assistance to the Council; making an appropriation to pay the expenses of the chairman, vice chairman, and members of the council and for salaries of its assistants and employees and other necessary expenses; declaring the invalidity of any part of this Act shall not invalidate the remainder thereof; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 316 on Third Reading

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that S. B. No. 316 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—1

Hudson

Absent

Carney	Morris
Harris	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 84, Extending welcome to Royal Canadian Air Force Detachment to pay homage at Camp Mabry on Thursday, April 28th, to Texas boys who served in the Royal Canadian Air Force and to the forty-five (45) Texans who died while serving in the Royal Canadian Air Force.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 445 on Second Reading

On motion of Senator Vick and by unanimous consent, the regular order of business was suspended to take up

for consideration at this time on its second reading and passage to engrossment:

S. B. No. 445, A bill to be entitled "An Act to amend Section 1, Added Acts, 1947, Fiftieth Legislature, Regular Session, page 504, Chapter 298, to exempt from State Bar Examination, applicants for law licenses who are Veterans of Military or Merchant Marine Service in World War II, and who graduate from law schools approved by the American Bar Association prior to July 1, 1952, and declaring an emergency."

The bill was read second time.

Senator Vick offered the following Committee Amendment to the bill:

Amend Senate Bill No. 445 by changing date from July 1, 1952 to January 1, 1953 as shown in said bill in Section I.

The Committee Amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend S. B. No. 445 by striking out the words "American Bar Association" wherever same appears and substituting the words "Supreme Court of Texas."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—23

Aikin	Kelley of Hidalgo
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Morris
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Hardeman	Strauss
Harris	Tynan
Hudson	Vick
Jones	

Nays—4

Hazlewood	Lane
Kelly of Tarrant	Martin

Absent

Cousins	Taylor
Moore	Weinert

On motion of Senator Vick and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to engrossment.

Senate Bill 445 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 445 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Nays—2

Hudson	Morris
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Absent

Cousins	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—3

Hudson	Morris
Lane	

Absent

Cousins	Weinert
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Motion to Place Senate Bill 175 on Second Reading

Senator Kelly of Tarrant asked unanimous consent to suspend the regular order of business to take up S. B. No. 175 for consideration at this time.

The President announced that there was objection.

Senator Kelly of Tarrant then moved to suspend the regular order of business to take up S. B. No. 175 for consideration at this time.

The motion was lost by the following vote:

Yeas—14

Aikin	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Corbin	Moffett
Cousins	Proffer
Harris	Taylor
Jones	Vick

Nays—13

Ashley	Martin
Bullock	Moore
Carney	Morris
Colson	Shofner
Hardeman	Strauss
Hudson	Tynan
Lock	

Absent

Hazlewood	Phillips
McDonald	Weinert

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Jones submitted the following reports:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 738, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 739, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 740, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,
April 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 780, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Senate Bill 92 on Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 92, A bill to be entitled "An Act prescribing the minimum and maximum salaries of the sheriffs and their deputies in all counties of the State of Texas; providing that the Act shall be severable; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following Committee Amendment to the bill:

Amend S. B. No. 92 by inserting the words and figures "and not more

than ten thousand (10,000) inhabitants" immediately following the word "inhabitants" in the second line of subsection (c) of Section 1 of the bill.

The Committee Amendment was adopted.

Question—Shall the bill be passed to engrossment?

Motion to Adjourn

Senator Lane moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—14

Ashley	Lane
Bracewell	Lock
Carney	Martin
Colson	McDonald
Hardeman	Moffett
Harris	Moore
Kelly of Tarrant	Taylor

Nays—16

Aikin	Kelley of Hidalgo
Bell	Morris
Bullock	Phillips
Corbin	Proffer
Cousins	Shofner
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick

Absent

Weinert

Senator Morris offered the following amendment to the bill:

Amend Senate Bill 92, Section 3, Line 2, by inserting the following words and figures immediately preceding the word "at": "having a population of twenty thousand (20,000) inhabitants or more".

The amendment was adopted.

(Senator Aikin in the Chair)

Question—Shall the bill be passed to engrossment?

House Concurrent Resolution 84

The Presiding officer laid before the Senate for consideration at this time:

H. C. R. No. 84, Extending a welcome to Royal Canadian Air Force Detachment to pay homage at Camp Mabry on Thursday, April 28, to Texas boys who served in the Royal Canadian Air Force and to the forty-five Texans who died while serving in the Royal Canadian Air Force.

The resolution was read.

On motion of Senator Phillips and by unanimous consent, the resolution was considered immediately and was adopted.

Adjournment

Senator Harris moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—18

Ashley	Lane
Bracewell	Lock
Carney	Martin
Colson	McDonald
Hardeman	Moffett
Harris	Moore
Hazlewood	Proffer
Hudson	Strauss
Kelly of Tarrant	Taylor

Nays—11

Aikin	Kelley of Hidalgo
Bell	Morris
Bullock	Phillips
Corbin	Tynan
Cousins	Vick
Jones	

Absent

Shofner	Weinert
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The Senate accordingly at 3:45 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

In Memory of
Henry James

(House Concurrent Resolution No 81)

The President laid before the Senate for consideration at this time the following resolution:

Whereas, On April 17, 1949, West Texas lost one of its most beloved citizens and great economic developers with the death of Henry James, Abilene civic leader and banker; and

Whereas, It is desired that this House express to his family, business associates, and many friends its sense of the great loss which they and that section of Texas have sustained; and

Whereas, It is fitting that the salient points of Mr. James' busy and constructive life be noted: He was born April 14, 1872, in this city where we are now convened, the son of General and Mrs. Fleming W. James. In 1889, General James brought his family to Abilene, where he established the Farmers & Merchants National Bank on January 2, 1890. Young Henry, who had obtained his education in the Baird Public Schools and Belle Plain College, worked with the bank as bookkeeper, collector, and secretary of the Board of Directors. At the age of seventeen he served as assistant cashier. On March 27, 1892, he married Miss Jennie Chilton, of Bryan, Texas. To them was born a son, Fleming James, and a daughter, the present Mrs. J. T. Barlow. Mr. and Mrs. James also found time to rear two nieces, Mrs. J. T. McMahon and Mrs. George Winterbotham. Mr. James' hard work and industry was rewarded when he assumed the presidency of the Farmers & Merchants Bank of Abilene on January 12, 1923, and guided it successfully through the nation's severe panics and depressions. He was also vice-president of the First National Bank of Baird and president of the First State Bank of Tuscola. So outstanding were Mr. James' activities as a banker and financier that his advice and counsel were widely sought by outstanding businessmen and economists throughout the Southwest; and

Whereas, This distinguished career not only contributed to the economic stability and success of Mr. James' community but to the well-being of the State of Texas; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, that we extend to Mr. James' family and friends our sincere sympathy and our earnest appreciation of a life that was crowned with dignity, integrity, and honor; that an enrolled copy of this resolution be furnished to his family; and that when the House adjourns today, it do so in tribute to the memory of Henry James of Abilene.

The resolution was read and was adopted.

In Memory of
Dr. Willard H. Dow

(Senate Concurrent Resolution 46)

Senator Phillips offered the following resolution:

Whereas, Untimely death came on March 31, 1949, to Dr. Willard H. Dow, his wife, and three other persons, in an airplane crash near London, Ontario; and,

Whereas, Dr. Dow was one of our ablest industrialists and the head of numerous large enterprises, including the great Dow Magnesium Extraction Plant at Freeport, Texas; during his stay in Texas he had made many personal friends and had become recognized as an outstanding leader in civic life as well as one of the world's best known chemists; and,

Whereas, Dr. Dow was born January 4, 1897, at Midland, Michigan. He graduated from the University of Michigan in 1919 and that same year began his career with the Dow Chemical Company founded by his father. Upon his father's death in 1930 he became president and general manager of that great concern. He was also president of Ethyl-Dow Chemical Company, Midland Ammonia Company and Dow Chemical of Canada, Ltd., and a director in numerous other corporations; and,

Whereas, Dr. Dow was nationally famous for his achievements in chemical manufacture, as evidenced by these positions and awards: Director American Chemical Society; member American Institute of Chemical Engineering; degree of Doctor of Science from Michigan College of Mining and Technology; degree of Doctor of Engineering from University of Michigan and Illinois Institute of Technology; Chandler Medalist of Columbia University (1943); American Institute of Chemistry medal (1946), and many others; and,

Whereas, American industry and Texas industry in particular has suffered incalculable and irreparable loss, and the State of Texas has lost a valued foster citizen; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that we take official cognizance of this blow to our industrial, civic and social life; that we hereby express our deepest regrets at the untimely death of this noted and outstanding man; and that when the Senate adjourns today, it do so in tribute of Dr. Willard H. Dow.

The resolution was read and was adopted.